

111TH CONGRESS
1ST SESSION

H. R. 2776

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2009

Mr. HINOJOSA (for himself, Mr. WAXMAN, Mr. EHLERS, Ms. SCHAKOWSKY, Mr. ORTIZ, and Mr. SESTAK) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living Organ Donor
5 Job Security Act”.

6 **SEC. 2. LEAVE FOR LIVING ORGAN DONATION.**

7 (a) LEAVE REQUIREMENT.—

1 (1) NON-FEDERAL EMPLOYEES.—Section
2 102(a)(1) of the Family and Medical Leave Act of
3 1993 (29 U.S.C. 2612(a)) is amended by adding at
4 the end the following new subparagraph:

5 “(F) In order to provide a living organ do-
6 nation, including time spent for—

7 “(i) tests used to determine whether
8 the eligible employee is medically suitable
9 for live organ donation;

10 “(ii) physical, psychological, and social
11 evaluations of the live donor;

12 “(iii) pretransplant outpatient serv-
13 ices;

14 “(iv) postoperative inpatient and out-
15 patient transplantation services;

16 “(v) travel in connection with tests,
17 evaluations, and services described in
18 clauses (i) through (iv); and

19 “(vi) recuperation consistent with the
20 type of transplant performed.”.

21 (2) FEDERAL EMPLOYEES.—Section 6382(a)(1)
22 of title 5, United States Code, is amended by adding
23 at the end the following new subparagraph:

24 “(E) In order to provide a living organ do-
25 nation, including time spent for—

1 “(i) tests used to determine whether
2 the eligible employee is medically suitable
3 for live organ donation;

4 “(ii) physical, psychological, and social
5 evaluations of the live donor;

6 “(iii) pretransplant outpatient serv-
7 ices;

8 “(iv) postoperative inpatient and out-
9 patient transplantation services;

10 “(v) travel in connection with tests,
11 evaluations, and services described in
12 clauses (i) through (iv); and

13 “(vi) recuperation consistent with the
14 type of transplant performed.”.

15 (b) CERTIFICATION.—

16 (1) NON-FEDERAL EMPLOYEES.—The Family
17 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
18 seq.) is further amended by striking “section
19 102(a)(1)(D)” and inserting “subparagraph (D) or
20 (F) of section 102(a)(1)” in the following sections,
21 respectively:

22 (A) Section 103(b)(4)(B) (29 U.S.C.
23 2613(b)(4)(B)).

24 (B) Section 104(c)(3)(A)(ii) (29 U.S.C.
25 2614(c)(3)(A)(ii)).

1 (2) FEDERAL EMPLOYEES.—Section
 2 6383(b)(4)(B) of title 5, United States Code is
 3 amended by striking “section 6382(a)(1)(D)” and
 4 inserting “subparagraph (D) or (E) of section
 5 6382(a)(1)”.

6 (c) CONFORMING AMENDMENTS.—

7 (1) NON-FEDERAL EMPLOYEES.—The Family
 8 and Medical Leave Act of 1993 (29 U.S.C. 2611 et
 9 seq.) is further amended—

10 (A) by striking “(C) or (D)” each place it
 11 appears and inserting “(C), (D), or (F)” in—

12 (i) section 102(b) (1) and (2) (29
 13 U.S.C. 2612(b) (1) and (2));

14 (ii) section 102(e)(2) (29 U.S.C.
 15 2612(e)(2));

16 (iii) section 103(c)(1) (29 U.S.C.
 17 2613(c)(1));

18 (iv) section 104(c)(2)(B)(i) (29
 19 U.S.C. 2614(c)(2)(B)(i)); and

20 (v) section 108(c)(1) (29 U.S.C.
 21 2618(c)(1));

22 (B) by inserting “(including living organ
 23 donation)” after “planned medical treatment”
 24 in—

1 (i) section 102(b)(2) and (e)(2) (29
2 U.S.C. 2612(b)(2) and (e)(2));

3 (ii) section 103(b)(5) (29 U.S.C.
4 2613(b)(5)); and

5 (iii) section 108(c)(1) (29 U.S.C.
6 2618(c)(1)), in the matter preceding sub-
7 paragraph (A); and

8 (C) in section 104(a)(4) (29 U.S.C.
9 2614(a)(4)), by striking “section 102(a)(1)(D)”
10 and inserting “subparagraph (D) or (F) of sec-
11 tion 102(a)(1)”.

12 (2) FEDERAL EMPLOYEES.—Title 5, United
13 States Code, is further amended—

14 (A) by striking “(C) or (D)” each place it
15 appears and inserting “(C), (D), or (E)” in—

16 (i) section 6382(b)(2) and (e)(2); and

17 (ii) section 6383(a);

18 (B) in section 6382(d), by striking “or
19 (D)” and inserting “(D), or (E)”;

20 (C) in section 6383(b)(5), by inserting
21 “(including living organ donation)” after
22 “planned medical treatment”; and

1 (D) in section 6384(d), by striking “sec-
2 tion 6382(a)(1)(D)” and inserting “subpara-
3 graph (D) or (E) of section 6382(a)(1)”.

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